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Chairman: Mr. CISSÉ (Senegal)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 96: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/49/228-S/1994/827, A/49/307-S/1994/958, A/49/315, A/49/350 and Add.1, A/49/381, A/49/422-S/1994/1806, A/49/593, 712 and 748; A/C.3/49/27; E/1994/31 and Add.1)

1. Mr. MAYRHOFER-GRUENBUEHEL (Austria) recalled that the recent World Ministerial Conference on Organized International Crime, had emphasized corruption as one of the most destructive phenomena accompanying the activities of organized crime. The corruption of criminal justice and law enforcement officials was deemed to be particularly pernicious. It also posed a considerable obstacle to development and hindered economic growth. However, despite the advances made since the 1991 Ministerial Meeting at Versailles, the resources available to the United Nations crime prevention and criminal justice programme remained unchanged. That was difficult to understand, considering, inter alia, that efforts at international drug control could not succeed without a functioning criminal justice system. His delegation was therefore encouraging close links between the programme and the United Nations International Drug Control Programme. Peace-keeping was another area where insufficient efforts in crime prevention and criminal justice exacted a high price. It was essential to recognize that without justice and law enforcement, no social progress could occur.

2. In the conviction that the strengthening of both the Crime Prevention and Criminal Justice Branch and the United Nations Crime Prevention and Criminal Justice Fund would greatly help Member States, his delegation had formulated a draft resolution on strengthening the United Nations crime prevention and criminal justice programme, with particular emphasis on technical cooperation.

3. Mr. HADJIYSKI (Bulgaria) affirmed that with the growing contact between nations came an increase in transnational crime. The valuable contribution of the Commission on Crime Prevention and Criminal Justice, which had been established in response to that challenge, should be furthered if it were to make use of persons who were directly involved in crime detection and prevention or who had also expertise in related fields, such as computer technology and medicine. Against that background, he underlined his Government's support for the conclusions and recommendations contained in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. He also anticipated that the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders would make an important contribution to international efforts aimed at strengthening widescale cooperation in those matters.

4. The urgent need to take practical measures at the international level against organized crime was evident in the light of the increasing crime rate in Central and Eastern Europe. In Bulgaria, the nature of certain unprecedented and widespread new forms of illicit activity were such as to threaten the international community. Bulgaria's geographical location was an added factor in the increased international criminal activity, as were its economic

difficulties. Unemployment and the rising marginalization of some social groups had resulted in higher crime figures, which paradoxically coincided with a lower detection rate. The new Government enjoyed broad support for its declared fight against crime, in which respect it attached great importance to national capacity-building. Accordingly, it had established mechanisms to combat crime and was currently drafting new legislation that would provide for new offences, as well as abolish capital punishment in favour of life imprisonment.

5. Since active international cooperation and information exchange were vital to the early identification and elimination of conditions conducive to the perpetration of crime, he emphasized the need to allocate adequate human and financial resources to the United Nations crime prevention and criminal justice programme with a view to creating a firm basis for launching the activities recommended by the relevant United Nations bodies. The programme should continue to provide technical assistance and advisory services to Member States. Finally, he stressed the need for closer cooperation between the Commission on Crime Prevention and Criminal Justice and the Commission on Human Rights, noting that a society that was free of crime but that failed to respect human rights was no better than one in which crime remained a problem.

6. Mr. HUANG Yong-an (China) said that the scope and degree of crime worldwide was now severe enough to threaten social development and stability. Accordingly, international cooperation in the field of information exchange and justice administration should be strengthened with a view to joint action against organized transnational crimes. The recently adopted Naples Political Declaration and Global Action Plan against Organized Transnational Crime would facilitate and promote such cooperation. Cooperation should also be strengthened between developed and developing countries, for increased non-discriminatory technical and financial assistance to the latter, where economic underdevelopment was a main cause of criminality, would help to strengthen their capabilities in crime prevention and criminal justice. Such assistance would also strengthen regional and international social stability, which would further benefit those countries. Countries should also use international standards to strengthen their legislation and legal institutions based on their own specific conditions, which was an important guarantee for effectively preventing and combating crime. Support for the United Nations crime prevention and criminal justice programme should likewise be strengthened, as should coordination and cooperation between the relevant United Nations bodies and other agencies with a view to ensuring that the programme was implemented and that the Crime Prevention and Criminal Justice Branch played its central role in coordinating the relevant activities. China was prepared to join in the efforts aimed at effectively preventing and combating crime.

7. China believed that the prevention of illegal migration and the fight against alien-smuggling were the joint responsibility of the countries of origin, the transit countries and the countries of destination. That fight should target the organizers of such smuggling, while the countries concerned should strengthen mutual trust, cooperation and joint action. Its own measures against alien-smuggling having proved satisfactory, China was ready to cooperate with concerned countries with a view to halting such activity. Meanwhile, it

hoped that countries would refrain from activities that could incite illegal migration.

8. It was now vital to implement the various plans and resolutions adopted in the context of crime prevention and criminal justice. Although the Commission on Crime Prevention and Criminal Justice had achieved remarkable results, it sometimes duplicated the work of other commissions and was also hampered by limited resources. It would be even more effective if its activities were more focused and result-oriented. Finally, she hoped that the Commission would consider ways of helping Member States to strengthen their education, campaigning and training related to the fight against crime, which was a complementary aspect of crime prevention.

9. Mr. SZYMANSKI (Poland) said that his country supported the Naples Political Declaration and Global Action Plan adopted by the World Ministerial Conference on Organized Transnational Crime. Organized crime constituted a particularly serious threat to countries such as his, which were in transition to a market economy, partly because, in revising its legal system, faulty legislation had been introduced or legislative gaps left, and partly because, law enforcement agencies had had little experience with economic crime. As a result criminals were increasingly feeling that they could operate with impunity. Those factors, together with a loosening of social discipline, had resulted in a veritable crime wave.

10. His country was on its way to adopting new legislation on economic crimes, including provisions to prevent money laundering and to combat corruption within the banking system. He hoped that the new laws would make it possible for his country to adhere to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, which had proved to be an effective instrument of international cooperation. However, the greatest obstacle to preventing and combating money laundering seemed to be neither a lack of appropriate legal instruments nor a lack of experience and expertise, but rather the unwillingness of some countries to adopt mechanisms to fight "easy money", which was perhaps seen as advantageous to their economies.

11. His country thought that measures to combat corruption and money laundering should be included along with organized transnational crime and alien-smuggling among the priorities of the United Nations crime prevention and criminal justice programme. With respect to preventing alien-smuggling, he noted that it was necessary to strengthen bilateral and multilateral cooperation through such means as readmission agreements. Furthermore, his country's experience with cross-border cooperation with Germany and Sweden had showed that the direct exchange of information between criminal prosecution agencies and the creation of international investigative teams were effective means of combating transnational crime. He therefore called for the elaboration of international standards for cooperation, as well as the consideration of possibilities for coordinating action among different legal systems.

12. His Government hoped that the Secretary-General would continue to collect, analyse and disseminate information on organized transnational crime. It looked

forward to the implementation of the recommendations of the World Ministerial Conference on Organized Transnational Crime and noted with satisfaction that action against national and transnational economic and organized crime had been included in the agenda of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

13. Mr. BIONDI (Italy) commended the United Nations for its efforts to combat crime, and reaffirmed Italy's strong support for that effort. Two documents adopted at the recent World Ministerial Conference on Organized Transnational Crime, the Political Declaration and the Global Action Plan, clearly indicated the main countermeasures to be taken by States as well as steps towards international cooperation at the global and regional level. By focusing on the organization, rather than the final manifestations, of organized crime the Conference had made it possible to adopt a flexible framework of recommendations to draw up coordinated national policies on crime.

14. States, the United Nations and other regional and international organizations must now seek to reconcile national criminal and procedural law in order to make it disadvantageous for criminal groups to transfer their activities across borders. The Global Action Plan also provided for non-criminal legislative measures and measures against money laundering. Attention had also been given to all aspects of international cooperation, particularly in investigative, prosecutorial and judicial matters as well as technical assistance and feasibility studies for international instruments.

15. His Government was committed to taking more and stricter legislative measures and setting-up new operative structures. Since organized crime was a pervasive transnational phenomenon, international cooperation should focus on suppressing illegal activities and preventing their relocation to new territories where there were fewer defences against its spread. Both considerations were reflected in the Global Action Plan, which provided individual Governments with criteria for assessing their ability to resist the expansion of organized crime as well as general guidelines for remedying deficiencies.

16. The experience of States already confronted with organized crime could be helpful to other countries in elaborating legislative and operative instruments in accordance with the particularities of their justice systems. It would be particularly useful to undertake broad international action to pool information and expertise on criminal activities and determine the effectiveness of countermeasures that were adopted. There was a need for programmes to assist States in strengthening their ability to react and participating with the judiciary authorities and police in joint action to fight crime. The needs of developing countries and countries in transition must be taken into consideration in that area.

17. Through the Commission on Crime Prevention and Criminal Justice, the Organization should assist States in their efforts against organized crime, facilitate the identification of needs and the planning of action, and review on a regular basis progress in enforcing the measures laid down in the Global

Action Plan. In particular, national Governments committed to crime prevention and criminal justice must be provided with the necessary technical assistance.

18. Italy appealed to all Member States to draw up specific projects for participation in international cooperation in accordance with the Global Action Plan and expressed its intention to host a task force to undertake a feasibility study for the establishment of a centre for training and refresher courses for workers in the investigative and judicial sectors. The resources currently available to the United Nations did not appear sufficient to carry out the tasks outlined in the Plan.

19. Mr. KAMUNANWIRE (Uganda) commended the activities of the United Nations crime prevention and criminal justice programme in confronting the problems posed by organized crime and said that his Government attached particular importance to the programme of technical cooperation through training and upgrading of skills in order to consolidate the rule of law in developing countries. Nevertheless, he noted with concern the delay in the implementation of General Assembly resolutions 46/152, 47/91 and 48/103 and emphasized that availability of resources was a prerequisite for effective action.

20. He underscored the need to strengthen regional components to complement national and international efforts in the fight against crime. Africa, with its worsening economic situation and deficiencies in national criminal justice systems, was potential fertile ground for the relocation of organized criminal activities and the continent's capacity to confront the problem should be strengthened. In spite of its financial difficulties, the African Institute for the Prevention of Crime and Treatment of Offenders (UNAFRI) had carried out, in 1993, a variety of activities of priority importance to African States, as outlined in the report of the Secretary-General on the matter (A/49/712). Although they could not meet their financial commitments towards it, the African Governments attached great importance to the Institute as an effective instrument for regional cooperation in crime prevention and criminal justice. He, therefore, strongly appealed to the United Nations and UNDP to continue to provide financial assistance to the Institute, bearing in mind the negative impact of increased crime on the development process of the countries in the region. Referring to paragraph 42 of the report, his delegation requested information on the progress of the consultations between UNDP and ECA in order to ensure that UNAFRI remained operational and, whether any steps were to be taken by the Secretary-General to implement fully section II, paragraph 32, of General Assembly resolution 48/228. Lastly, he hoped that the resolution to be submitted by the African Group on UNAFRI would be adopted by consensus.

21. Ms. DAMUŠIS (Lithuania) expressed her delegation's support for the work of the Commission on Crime Prevention and Criminal Justice, adding that technical cooperation should be the keystone of United Nations crime prevention and criminal justice programmes. Technical cooperation, advisory services and other types of assistance, were particularly needed in developing countries and countries in transition.

22. Organized crime affected the socio-economic fabric of societies and threatened the security and stability of all nations. Countries in transition were particularly vulnerable. Her Government was concerned to see that the illicit proceeds of organized crime were being used to buy the best privatized properties in Lithuania and to run extortion rackets as business ventures. Some crime cartels were gaining control of banks and other institutions, with sophisticated money-laundering techniques. Traffic in human beings, illegal immigration networks and international automobile smuggling were other criminal problems reaching alarming proportions in the region. It was often difficult to obtain access to information on such increasingly complex and transnational crimes. Countries should adopt effective measures and respond flexibly to help each other in the fight against crime; in that regard, Lithuania had adopted a number of reforms and was cooperating closely with neighbouring States.

23. Her Government also considered joint research, technical cooperation and collaborative action within the United Nations system and on a bilateral basis to be of particular importance in the areas of commercial crime, fraud and tax evasion. Programmes in criminal justice management, training and human resource development, and mutual assistance at the investigative level, were important issues that required greater attention.

24. Her delegation hoped that the ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders would focus on meeting the practical needs of Member States in coming to grips with the problems of criminality around the world.

25. Mr. AL-DOSARI (Bahrain) affirmed the prominent role of the Commission on Crime Prevention and Criminal Justice and other relevant bodies in the international efforts against crime. In that connection, the measures taken to implement the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme represented steps in the right direction. The World Ministerial Conference on Organized Transnational Crime was moreover a successful attempt to formulate a joint international strategy to combat organized crime. Bahrain accordingly called on the Commission on Crime Prevention and Criminal Justice to submit practical proposals for the coordination of organizational arrangements among States, produce a study on the methods and growth of organized crime, and formulate practical plans with a view to effectively combating such crime.

26. In its own national plan, Bahrain afforded high priority to the fight against crime and the achievement of criminal justice. It also attached importance to technical cooperation and the application of United Nations standards and principles in that respect. He supported the efforts aimed at the effective implementation of the United Nations crime prevention and criminal justice programme and encouraged the work of the Commission on Crime Prevention and Criminal Justice in providing technical assistance to countries with a view to combating crime, although he stressed that more focus should be placed on the developing countries. He further supported the formulation of plans to offer advisory services, as well as the formulation of specific project proposals.

Requests for regional advisory services, particularly from the developing countries, should be met in a timely fashion.

27. In the context of peace-keeping operations, he said that a sound criminal justice system should be established in war-torn areas. He hoped that the next report of the Commission on Crime Prevention and Criminal Justice would provide analytical information on crime trends and criminal justice systems. As for coordination between the programme activities and the relevant United Nations bodies, there should be no duplication or conflict. His country supported the efforts of the Commission on Crime Prevention and Criminal Justice to formulate policies concerning its mandate and the coordination of activities with United Nations bodies, as well as international efforts to combat organized crime, which threatened the sovereignty of States and was a severe impediment to economic development.

28. Mr. LEE (Republic of Korea) said that crime posed a major obstacle to the achievement of an improved quality of life for all people and that transnational criminal organizations, in particular, continued to expand their operations at an alarming rate throughout the world. The international community must take comprehensive and global actions to fight transnational crime. The technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme should be further strengthened, and steps should be taken to improve the world-wide management and administration of criminal justice and related systems.

29. His Government supported the introduction, expansion and enforcement of policies aimed at improving national arrangements to prevent criminal organizations from entrenching their operative bases. Since developing countries and those in transition tended to become targets of criminal organizations, they should be provided with training, equipment and technological assistance in order to enhance their capacity to fight crime.

30. At the international level, a unified set of common guidelines, strategies and policies should be formulated to enhance the effectiveness of national legislations and bilateral arrangements in dealing with transnational crime. International cooperation was also crucial to address the need for updated information on the methods of operation of transnational criminals; accordingly, his delegation supported the establishment of a centralized data bank on criminal organizations and their activities, and looked forward to the ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

31. Ms. RUBINSTEIN (Israel) said that her Government was receiving increasing numbers of requests for assistance in the area of crime prevention and criminal justice, and was responding to as many of them as possible, within the constraints of its limited resources. It was currently establishing an international crime prevention training centre, which would focus on the prevention of terrorism and organized crime. Israel was also seeking to promote cooperation through bilateral and multilateral agreements.

32. At the ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Israel would present some crime prevention programmes, including some related to violence in the family and at-risk youth, and set forth its national strategy for preventing terrorism. Member States should explore ways of sharing information on crime prevention and criminal justice issues. Facilitating such information exchange could be one of the most effective tools for promoting the crime prevention and criminal justice programme.

33. Mr. LEPESHKO (Belarus) said that his country was currently undergoing a profound crisis. Criminal activities were spreading to all branches of the economy and impeding economic reform. Organized crime was even seeking to gain control of governmental, managerial and economic structures in Belarus, thereby influencing the country's economic, social and political situation and creating a serious threat to State security.

34. Belarus was taking a number of administrative and legislative measures and amending and supplementing national legislation in accordance with United Nations standards in the field of crime prevention and criminal justice. His Government had drawn up a State programme designed to step up the fight against crime over the next three years. The programme aimed at establishing the social, legal, organizational and financial basis for effective action to combat crime and protect the rights of citizens and the interests of society and the State.

35. Belarus had already achieved some results in coordinating and cooperating with law enforcement bodies. It had concluded a number of multilateral agreements to combat crime and illegal drug trafficking and was setting up a legal basis through bilateral treaties to ensure cooperation in that area.

36. Measures to eliminate the profits of criminal activities were very important in combating organized transnational crime. Effective world-wide action played a decisive role in preventing the accumulation of illegal profits and undermining the financial base of criminal organizations. States must combine their efforts, even in cases where crimes were committed within national borders. In that connection, his delegation underscored the urgent need to ensure more effective exchange of information by establishing a database and further developing and improving coordination mechanisms. Belarus fully supported the initiative of the Commission on Crime Prevention and Criminal Justice to set up a database on technical cooperation projects in the countries of Central and Eastern Europe as well as a database to combat transnational crime.

37. His country was concerned at the serious damage caused to the environment in many parts of the world and considered that criminal law, together with civil and administrative law, should play an important role in protecting the environment. The improper disposal of hazardous and toxic wastes, deliberate environmental pollution, and the extensive environmental damage resulting from negligence were particularly alarming. Belarus, for example, was still affected by the severe consequences of the Chernobyl accident in 1986.

38. His country had revised its national legislation and introduced further measures to ensure more effective environmental protection. One of the best ways to deal with the consequences of environmental crimes would be the establishment of an international legal body with the jurisdiction to consider such crimes wherever they were committed.

39. Now, more than ever, it was necessary to step up international cooperation in combating organized crime, which posed a particular threat to the stability of States and impeded their social and economic development. He therefore attached great importance to the forthcoming Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Lastly, he noted with satisfaction the expanded cooperation between Belarus and the Commission on Crime Prevention and Criminal Justice and expressed appreciation to the Commission's experts for their assistance in drawing up criminal and procedural legislation and bringing his country's laws into line with United Nations standards in that field.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued) (A/C.3/49/L.38, L.39, A/C.3/49/L.43-L.48 and L.50)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

Draft resolution A/C.3/49/L.38

40. Mr. ASIRDIN (Indonesia) introduced the draft resolution on behalf of the sponsors, who now included Australia, Austria, Costa Rica, France, Kyrgyzstan, and Spain, and expressed the hope that it would be adopted by consensus.

Draft resolution A/C.3/49/L.39

41. Mrs. CASTRO de BARISH (Costa Rica) introduced the draft resolution on behalf of the sponsors, who had been joined by Burkina Faso, Israel, Malawi, Mauritius, the Netherlands and the Russian Federation and drew attention to a number of changes.

42. In the ninth preambular paragraph of the Spanish text, the word "niña" should be added after the word "hombre", and at the end of paragraph 3, the words "and invites Governments to submit any comments to complement it" should be added.

43. A new paragraph 3 bis should be added, which would read as follows: "Invites the Secretary-General to submit proposals taking into account the viewpoints expressed by Governments, for the purposes expressed in the previous paragraph." She also requested that in the French text of the draft resolution, the word "enseignement" should be replaced by the broader term "éducation".

Draft resolution A/C.3/49/L.47

44. Mr. WILLIS (Australia) introduced draft resolution A/C.3/49/L.47 on behalf of the sponsors, and drew attention to a few minor revisions. The phrase "under human rights instruments" should be inserted after "the reports of States parties" in paragraph 8 and after "as well as reports" in paragraph 11. Paragraph 17 should be deleted and paragraph 18 renumbered accordingly.

Draft resolution A/C.3/49/L.50

45. Mr. ROLAND (Belgium) introduced draft resolution A/C.3/49/L.50 on behalf of the sponsors and announced that they had been joined by France, Togo and Ukraine.

Draft resolution A/C.3/49/L.43

46. Ms. STRÖM (Sweden) introduced the draft resolution on behalf of the sponsors, who had been joined by Lithuania and the United States of America, and pointed out that the Russian Federation had been mistakenly included in the list of sponsors. She hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/49/L.44

47. Mr. HOPE (United States of America) introduced draft resolution A/C.3/49/L.44 on behalf of the sponsors and pointed out that the words "the reports of" in the first line of the seventeenth preambular paragraph should be deleted and the phrase "as contained in the report of the Special Rapporteur" should be added at the end of the paragraph.

48. Mr. BRAHA (Albania) pointed out that in the Arabic text his country was listed as a sponsor; that was a mistake which should be corrected.

Draft resolution A/C.3/49/L.45

49. Mr. WILLIS (Australia) introduced draft resolution A/C.3/49/L.45 on behalf of the sponsors who, he was pleased to point out, included Cambodia, and drew attention to a few minor revisions. In paragraph 7, the words "existing resources" should be replaced by "the regular budget of the United Nations". In paragraph 18, "cooperating" should be replaced by "cooperation", and in paragraph 19, the phrase "Requests the Secretary-General to continue to use the Trust Fund" should be replaced by "Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund".

Draft resolution A/C.3/49/L.46

50. Mr. HOPE (United States of America) introduced draft resolution A/C.3/49/L.46 on behalf of the sponsors, who had been joined by Albania, the Marshall Islands and the former Yugoslav Republic of Macedonia and pointed out that the word "uncontested" in paragraph 4 should be deleted.

Draft resolution A/C.3/49/L.48

51. Mr. BIVERO (Venezuela), introduced draft resolution A/C.3/49/L.48 on human rights in Haiti on behalf of the sponsors, who had been joined by Andorra and the United Kingdom and expressed the hope that it could be adopted by consensus.

The meeting rose at 12.55 p.m.